

ATTY DOCKET NO. 235239US25SD
INV: CHRISTOPHER E. J. REID, ET AL.
37 CFR 1.604(a)(1) Amendment filed with
37 CFR 1.604(a)(1) Request for an Interference

REMARKS

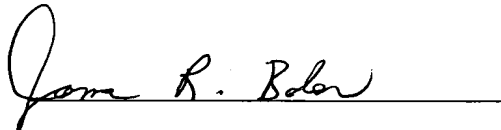
I.

Claims 29, 31-33, 38-43, and 46-52 are presently active in the application. Claims 1-28, 30, 34-37, 44, and 45 have been cancelled. Claims 46-52 have been added by the present amendment. Support for new claims 46-52 is self evident from the specification and drawings. No new matter has been added.

II.

The present amendment copies claims from application serial No. 09/827,173 for the purposes of provoking an interference. The '173 application was filed 6 April 2001, and it names Donald B. Harris as the inventor. That application is being examined in Art unit 3418 by Examiner Bryon R. Fischmann. The present application is a continuation of application serial No. 09/785,878 filed 16 February 2001. A 37 CFR 1.604(a)(1) Request for an Interference with an Application is being filed concurrently herewith.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "James R. Boler", is written over a horizontal line.

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DOCKET NO.: 232539US25SD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
REID, CHRISTOPHER E. J. ET AL. : EXAMINER: B. R. FISCHMANN
(ANTICIPATED)
SERIAL NO: 10/684,622 :
FILED: OCTOBER 14, 2003 : GROUP ART UNIT: 3418
(ANTICIPATED)
FOR: HYBRID POWER SUPPLY :
APPARATUS FOR BATTERY
REPLACEMENT APPLICATIONS

37 CFR 1.604(a)(1) REQUEST FOR AN INTERFERENCE WITH AN APPLICATION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I. 37 CFR 1.604(a)(1)

Applicants propose the following count, which is in the format approved by the Commissioner in *Orikasa v. Oonishi*, 10 USPQ2d 1996, 2003 (Comm'r 1990), and *Davis v. Uke*, 27 USPQ2d 1180, 1188 (Comm'r 1993):

Claims 1, 10, 11, and 12 of the party Harris's application serial No. 09/827,173 filed 06 April 2001

OR

Claims 29, 38, 39, 40, 46 and 48 of the party Reid's application serial No. 10/684,622, which is a continuation of application Serial No. 09/785,878 filed 16 February 2001.

It should particularly be noted that, pursuant to the Commissioner's opinion in *Orikasa*, it is appropriate to use a count of this type where the recited claims are in different

statutory classes so long as the subject matter recited in the various claims is not patentably distinct.

Claims 29, 31-33, 38-43, and 46-52 presented in an amendment submitted herewith correspond to the proposed count. Indeed, the proposed count includes all of the independent claims in that group of claims. Claims 30, 34-37, 44, and 45 submitted with the amendment filed 14 October 2003 are being cancelled by the amendment filed concurrently herewith.

II. 37 CFR 1.604(a)(2)

The other application is application serial No. 09/827,173 filed 06 April 2001 and naming Donald B. Harris as inventor.

Applicants believe that all claims in application serial No. 09/827,173 correspond to the proposed count.

III. 37 CFR 1.604(a)(3)

The interference should be declared because, as shown by the table below, the parties are claiming the same patentable invention.

<u>Reid et al. Application</u>	<u>Harris Application</u> <u>09/827,173</u>
29. A removable power source for use in a host machine that operates on electrical power, the host machine having a peak power demand, comprising: a housing; a battery disposed within said housing, said battery sized to supply the peak power demand of the host machine; an electrical power generator disposed within said housing and sized to supply less than the peak power demand of the host machine; and	1. A removable power source for use in a host machine that operates on electrical power, the host machine having a peak power demand, comprising: a housing; a battery disposed within said housing, said battery sized to supply the peak power demand of the host machine; an electrical power generator disposed within said housing and sized to supply less than the peak power demand of the host machine; and

a power control module disposed within said housing and coupled to said battery and said electrical power generator and arranged to supply power to the host machine from either said battery or said generator.

31. The power source of claim 29, wherein said electrical power generator further comprises a fuel cell.

32. The power source of claim 29, wherein said housing is sized to fit in a compartment for holding a battery of said machine.

33. The power source of claim 32, wherein said housing is removable from the compartment for holding a battery.

38. A method of replacing a battery in an electric powered machine

a power control module disposed within said housing and coupled to said battery and said electrical power generator and arranged to supply power to the host machine from either said battery or said generator.

2. The power source of claim 1, wherein said electrical power generator further comprises:

an internal combustion engine; and

an electrical generator coupled to said internal combustion engine.

3. The power source of claim 1, wherein said electrical power generator further comprises a fuel cell.

4. The power source of claim 1, wherein said housing is sized to fit in a compartment for holding a battery of said machine.

5. The power source of claim 4, wherein said housing is removable from the compartment for holding a battery.

6. The power source of claim 2, wherein said internal combustion engine is a spark ignition engine.

7. The power source of claim 2, wherein said internal combustion engine is a compression ignition engine.

8. The power source of claim 2, wherein said internal combustion engine is a rotary engine.

9. The power source of claim 2, wherein said internal combustion engine is a reciprocating engine.

10. A method of replacing a battery in an electric powered machine

with a rapidly renewable power source,
comprising:

uncoupling the battery from the
machine;

removing the battery from the
battery compartment of the machine;

placing a rapidly renewable power
source in the battery compartment; and

coupling the rapidly renewable
power source to the machine.

39. A method for converting a
battery-powered machine to a hybrid
powered machine comprising the steps:

uncoupling the battery from the
machine;

removing the battery from the
machine;

placing a hybrid power source in
the battery compartment of the machine;
and

coupling the hybrid power source
to the machine.

40. An electric vehicle having a
peak power requirement, comprising:

a power source electrically coupled
to the electric vehicle, said power source
comprising:

a housing,

a battery disposed within said
housing, said battery sized to supply the
peak power requirement of the host
machine,

a power control module disposed
within said housing and coupled to said
battery, and

with a rapidly renewable power source,
comprising:

uncoupling the battery from the
machine;

removing the battery from the
battery compartment of the machine;

placing a rapidly renewable power
source in the battery compartment; and

coupling the rapidly renewable
power source to the machine.

11. A method for converting a
battery-powered machine to a hybrid
powered machine comprising the steps:

uncoupling the battery from the
machine;

removing the battery from the
machine;

placing a hybrid power source in
the battery compartment of the machine;
and

coupling the hybrid power source
to the machine.

12. An electric vehicle having a
peak power requirement, comprising:

a power source electrically coupled
to the electric vehicle, said power source
comprising:

a housing,

a battery disposed within said
housing, said battery sized to supply the
peak power requirement of the host
machine,

a power control module disposed
within said housing and coupled to said
battery, and

an electrical power generator disposed within said housing and coupled to said power control module, said electrical power generator sized to supply less than the peak power requirement of the electric vehicle.

41. The electric vehicle of claim 40 wherein said electric vehicle is a forklift further comprising

a lifting mechanism coupled to said electric vehicle.

42. The vehicle disclosed in claim 40 wherein said vehicle is a work platform further comprising a scissor type lifting mechanism coupled to said chassis.

43. The electric vehicle of claim 40, wherein said housing is removable as a unit.

46. A modular hybrid power source configured to convert to hybrid operation a host machine that is not configured for hybrid operation, the host machine designed and built to operate on electrical power supplied by a removable battery contained in a battery compartment, the host machine having a peak power demand, comprising:

a housing sized to fit within the

an electrical power generator disposed within said housing and coupled to said power control module, said electrical power generator sized to supply less than the peak power requirement of the electric vehicle.

13. The electric vehicle of claim 12 wherein said electric vehicle is a forklift further comprising

a lifting mechanism coupled to said electric vehicle.

14. The vehicle disclosed in claim 12 wherein said vehicle is a work platform further comprising a scissor type lifting mechanism coupled to said chassis.

15. The electric vehicle of claim 12, wherein said housing is removable as a unit.

16. The power source of claim 1, wherein said electrical power generator further comprises:

an external combustion engine; and

an electrical generator coupled to said external combustion engine.

17. The power source of claim 16, wherein said external combustion engine is a gas turbine.

1. (As amended 25 August 2003). A modular hybrid power source configured to convert to hybrid operation a host machine that is not configured for hybrid operation, the host machine designed and built to operate on electrical power supplied by a removable battery contained in a battery compartment, the host machine having a peak power demand, comprising:

a housing sized to fit within the

battery compartment;

an electrical power generator disposed within said housing and sized to supply less than the peak power demand of the host machine;

a battery disposed within said housing, said battery sized to supply at least that portion of the peak power demand of the host machine not supplied by the electrical power generator;

a power control module disposed within said housing and coupled to said battery and said electrical power generator and arranged to supply power to the host machine from either said battery or from both said battery and said generator, and

a remotely mounted operator interface module connected to the power control module.

47. The power source of claim 1, wherein said electrical power generator further comprises a fuel cell.

battery compartment;

an electrical power generator disposed within said housing and sized to supply less than the peak power demand of the host machine;

a battery disposed within said housing, said battery sized to supply at least that portion of the peak power demand of the host machine not supplied by the electrical power generator;

a power control module disposed within said housing and coupled to said battery and said electrical power generator and arranged to supply power to the host machine from either said battery or from both said battery and said generator, and

a remotely mounted operator interface module connected to the power control module.

2. The power source of claim 1 (as amended 25 August 2003), wherein said electrical power generator further comprises:

an internal combustion engine; and

an electrical generator coupled to said internal combustion engine.

3. The power source of claim 1 (as amended 25 August 2003), wherein said electrical power generator further comprises a fuel cell.

6. The power source of claim 2 (as amended 25 August 2003), wherein said internal combustion engine is a spark ignition engine.

7. The power source of claim 2 (as amended 25 August 2003), wherein said internal combustion engine is a

compression ignition engine.

8. The power source of claim 2 (as amended 25 August 2003), wherein said internal combustion engine is a rotary engine.

9. The power source of claim 2 (as amended 25 August 2003), wherein said internal combustion engine is a reciprocating engine.

48. An electric vehicle designed and built to operate on electrical power supplied by a removable battery contained in a battery compartment, the electric vehicle having a peak power requirement, comprising:

a modular hybrid power source electrically coupled to the electric vehicle, said power source configured to convert to hybrid operation a host machine that is not configured for hybrid operation, said power source comprising:

a housing sized to fit within the battery compartment;

an electrical power generator disposed within said housing and sized to supply less than the peak power requirement of the electric vehicle;

a battery disposed within said housing, said battery sized to supply at least that portion of the peak power requirement of the electric vehicle not supplied by the electrical power generator;

a power control module disposed within said housing and coupled to said battery, to said electrical power generator and to said electric vehicle, said power control module configured to supply power to the electric vehicle from either said battery or from both said battery and

12. (As amended 25 August 2003). An electric vehicle designed and built to operate on electrical power supplied by a removable battery contained in a battery compartment, the electric vehicle having a peak power requirement, comprising:

a modular hybrid power source electrically coupled to the electric vehicle, said power source configured to convert to hybrid operation a host machine that is not configured for hybrid operation, said power source comprising:

a housing sized to fit within the battery compartment;

an electrical power generator disposed within said housing and sized to supply less than the peak power requirement of the electric vehicle;

a battery disposed within said housing, said battery sized to supply at least that portion of the peak power requirement of the electric vehicle not supplied by the electrical power generator;

a power control module disposed within said housing and coupled to said battery, to said electrical power generator and to said electric vehicle, said power control module configured to supply power to the electric vehicle from either said battery or from both said battery and

said generator, and

a remotely mounted operator interface module connected to the power control module.

49. The electric vehicle of claim 48 wherein said electric vehicle is a forklift further comprising a lifting mechanism coupled to said electric vehicle.

50. The electric vehicle of claim 48 wherein said electric vehicle is a work platform further comprising a lifting mechanism coupled to said electric vehicle.

51. The electric vehicle of claim 48, wherein said housing is removable as a unit.

52. The power source as

said generator, and

a remotely mounted operator interface module connected to the power control module.

13. The electric vehicle of claim 12 (as amended 25 August 2003) wherein said electric vehicle is a forklift further comprising

a lifting mechanism coupled to said electric vehicle.

14. The vehicle disclosed in claim 12 (as amended 25 August 2003) wherein said vehicle is a work platform further comprising a scissor type lifting mechanism coupled to said chassis.

15. The electric vehicle of claim 12 (as amended 25 August 2003), wherein said housing is removable as a unit.

16. The power source of claim 1 (as amended 25 August 2003), wherein said electrical power generator further comprises:

an external combustion engine; and

an electrical generator coupled to said external combustion engine.

17. The power source of claim 16 (as amended 25 August 2003), wherein said external combustion engine is a gas turbine.

18. The power source as

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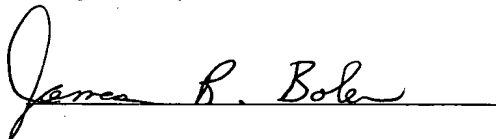
claimed in claim 46, wherein said interface module is configured to provide information to an operator about said electrical power generator.

claimed in claim 1 (as amended 25 August 2003), wherein said interface module is configured to provide information to an operator about said electrical power generator.

The only differences between the party Harris's claims and the party Reid et al.'s claims listed above is that some of Harris's dependent claims recite an internal or an external combustion engine. Reid et al submit that those claims are unpatentable over the subject matter of the proposed count alone or in view of other prior art, for example--Wild (US 3,497,027).

Thus, it is clear that the parties are claiming the same patentable invention.

Respectfully submitted,

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